



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 24, 1996

Mr. Richard J. Ybarra
Assistant Attorney General
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR96-1753

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37695.

The Office of the Attorney General has received a request for "copies of correspondence of Dr. William Reid, Medical Director of MHMR, or the Office of the Medical Director of MHMR from January, 1989 until today's date." You claim that section 552.111 of the Government Code excepts the requested information from required public disclosure.

Section 552.111 excepts from disclosure "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." This exception encompasses advice, opinion, and recommendation used in the policymaking process. Open Records Decision No. 615 (1993).

We have examined the record submitted for our review and conclude that section 552.111 applies in this instance. You may, therefore, withhold the record under section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta DeHay", written in a cursive style.

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 37695

Enclosures: Submitted documents

cc: Mr. Andrew Prough
Citizens Commission on Human Rights of Texas
711 W. 7th, Suite 110
Austin, Texas 78701
(w/o enclosures)